

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

J&J CLASS 1

Judge Patti B. Saris

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS COUNSEL'S  
OPPOSITION TO HAVILAND'S MOTION TO VACATE, OR, IN THE  
ALTERNATIVE, MODIFY THE COURT'S JUNE 22, 2010 ORDER**

I, Steve W. Berman, duly declare under penalty of perjury as follows:

1. I am a partner of Hagens Berman Sobol Shapiro LLP, resident in its Seattle, Washington, office, and I am Co-Lead Counsel for the Plaintiffs in the above-captioned matter. I submit this declaration under penalty of perjury in support of Plaintiffs' Opposition to Haviland's Motion to Vacate, or, In the Alternative, Modify the Court's June 22, 2010 Order.
2. Attached hereto as Exhibit 1 is a true and correct copy of the Corrected Brief of Appellant Donald E. Haviland, Jr. Esquire filed in Appeal No. 10-1959 (1st Cir.) on February 9, 2011.
3. Attached hereto as Exhibit 2 is a true and correct copy of an April 15, 2011 Order of Court in Appeal No. 10-1959 (1st Cir.).
4. Attached hereto as Exhibit 3 is a true and correct copy of the July 12, 2010 motion hearing transcript (excerpts only).
5. Attached hereto as Exhibit 4 is a true and correct copy of the March 31, 2010 status conference transcript (excerpts only).

6. Attached hereto as Exhibit 5 is a true and correct copy of Appellant's Motion for Leave to Include an Addendum to Appellant's Reply Brief filed April 7, 2011 in Appeal No. 10-1959 (1st Cir.).

7. Attached hereto as Exhibit 6 is a true and correct copy of the Reply Brief of Appellant Donald E. Haviland, Jr., Esquire filed April 7, 2011 in Appeal No. 10-1959 (1st Cir.).

8. Attached hereto as Exhibit 7 is a true and correct copy of the BMS Final Approval Hearing Transcript dated March 31, 2011.

Executed this 19th day of May, 2011.

**/s/ Steve W. Berman**

STEVE W. BERMAN

**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS COUNSEL'S OPPOSITION TO HAVILAND'S MOTION TO VACATE, OR, IN THE ALTERNATIVE, MODIFY THE COURT'S JUNE 22, 2010 ORDER,** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on May 19, 2011, a copy to LexisNexis File & Serve for posting and notification to all parties.

By           /s/ Steve W. Berman            
Steve W. Berman  
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